



JAN BREWER
SECRETARY OF STATE
STATE OF ARIZONA

September 11, 2008

Kevin D. Ray, Section Chief Counsel
Education & Health Section
Arizona Attorney General's Office
1275 W. Washington
Phoenix, Arizona 85007

RE: SOS-CF-2008-017

Dear Mr. Ray:

Thank you for your timely letter dated August 26, 2008, on behalf of the School District Redistricting Commission ("SDRC"). We have carefully reviewed your letter, as well as the original complaint filed by the political committee, Preserve Madison. We conclude that there is no reasonable cause to believe that the SDRC violated Arizona's campaign finance law and therefore consider this matter closed.

The complaint alleged that the SDRC used public resources to advocate for the passage of the measures placed on the November 4, 2008 general election by the SDRC and therefore, the SDRC should be registered as a political committee in accordance with state law. The complaint references a presentation by the SDRC at Phoenix College on June 10, 2008, and includes an audio recording of that presentation. The SDRC is not currently a registered political committee with our office. Section 16-924 requires the Secretary of State to determine if there is reasonable cause to believe that a person has violated Arizona's campaign finance laws.

The issue is whether the SDRC used its resources to influence the outcome of the election in November in which its recommendations will appear on the ballots in several counties. As you note, the SDRC by law is obligated under Section 3(G) of Laws 2005, Chapter 191, to hold public hearings regarding the unification of every affected school district. These hearings must be conducted in a neutral manner that does not urge support or opposition to any of the measures. See Ariz. Op. Atty. Gen. No. 100-020. The SDRC may disclose relevant information to the public, so long as such disclosure is full and impartial and does not amount to improper campaign activity or advocacy in support of any of the measures.

Having reviewed the allegations along with the recording and transcript of the meeting on July 10, 2008 at Phoenix College, we find that the hearing was conducted in a neutral manner and did not amount to improper campaign activity. Thus, based on the facts as set forth in the complaint, we find no reasonable cause to believe that the SDRC is required to register as a political committee and we therefore consider this matter closed.

Sincerely,

Joseph Kanefield
State Election Director

cc: Rhonda Olson, Preserve Madison
JK